

FORM 7: Notice of Violation Assessing A Civil Penalty In Addition To A Violation Not Assessing A Civil Penalty

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY(IES)

(Name of licensee)
(Facility name) (for power reactor)
(City, State) (if other than power reactor)

Docket No. _____
License No. _____
EA-YY-XX1, EA-YY-XX2,
EA-YY-XX3, and EA-YY-XX4

During an NRC inspection (investigation) conducted on (date(s)) (a) violation(s) of NRC requirements was (were) identified. In accordance with the NRC Enforcement Policy, the NRC proposes to impose (a) civil penalty(ies) pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty(ies) are set forth below:

I. Violation(s) Assessed a Civil Penalty

A. [Provide statement of the requirement that was violated.]

Contrary to the above, [Provide a description of how the requirement was violated and the date the violation occurred.]

This is a Severity Level violation (problem) (Supplement).
Civil Penalty - \$ (amount). (EA-YY-XX1)

B. (1) [Provide statement of the requirement that was violated.]

Contrary to the above, [Provide a description of how the requirement was violated and the date the violation occurred.]

This is a Severity Level violation (problem) (Supplement).
Civil Penalty - \$ (amount). (EA-YY-XX1)

B. (2) [Provide statement of the requirement that was violated.]

Contrary to the above, [Provide a description of how the requirement was violated and the date the violation occurred.]

This is a Severity Level violation (problem) (Supplement).
Civil Penalty - \$ (amount). (EA-YY-XX1)

II. Violation(s) Not Assessed a Civil Penalty

A. [Provide statement of the requirement that was violated.]

Contrary to the above, [Provide a description of how the requirement was violated and the date the violation occurred.]

This is a Severity Level ____ violation (problem) (Supplement ____). [Alternatively, for violations associated with SDP issues, use: This violation is associated with a green (white/yellow/red) SDP finding.] (EA-YY-XX3)

B. [Provide statement of the requirement that was violated.]

Contrary to the above, [Provide a description of how the requirement was violated and the date the violation occurred.]

This is a Severity Level ____ violation (problem) (Supplement ____). [Alternatively, for violations associated with SDP issues, use: This violation is associated with a green (white/yellow/red) SDP finding.] (EA-YY-XX3)

Pursuant to the provisions of 10 CFR 2.201, (name of licensee) (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty(ies) (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation: (EA-YY-XX1, EA-YY-XX2, EA-YY-XX3, and EA-YY-XX4" and should include for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted, and if denied, the basis for denying the validity of the violation; (3) the corrective steps that have been taken and the results achieved; (4) the corrective steps that will be taken to avoid further violations; and (5) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, the NRC may issue an order or a Demand for Information requiring you to explain why your license should not be modified, suspended, or revoked or why the NRC should not take other action as may be proper. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

[For violations where the region has determined that no 10 CFR 2.201 response is required, the following paragraph may be substituted:

"The NRC has concluded that information regarding the reason for the violation, [If more than one violation, specify which violation(s)] the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be (was) achieved is already adequately addressed on the docket in [Indicate the correspondence, e.g., Inspection Report No. (XXXXXXXXX/YYYYYNNN), LER YY-NNN], or letter from the licensee, dated (date)]. However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation under 10 CFR 2.201. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation." and sent it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S., Nuclear Regulatory Commission, Region ____ . [If applicable, add "and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.""]

Within the same time provided for the response required under 10 CFR 2.201, [Delete this phrase where the 10 CFR 2.201 response has been waived] (T)the Licensee may pay the civil penalty(ies) proposed above or the cumulative amount of the civil penalties if more than one civil penalty is proposed, in accordance with NUREG/BR-0254 and by submitting to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, a statement indicating when and by what method payment was made, or may protest imposition of the civil penalty(ies) in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within 30 days of the date of this Notice, the NRC will issue an order imposing the civil penalty(ies). Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty(ies), in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violation(s) listed in this Notice, in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalty(ies) should not be imposed. In addition to protesting the civil penalty(ies) in whole or in part, such answer may request remission or mitigation of the penalty(ies).

In requesting mitigation of the proposed penalty(ies), the response should address the factors addressed in Section VI.C.2, "Civil Penalty Assessment," of the Enforcement Policy. Any written answer addressing these factors pursuant to 10 CFR 2.205, should be set forth separately from the statement or explanation provided pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing (a) civil penalty(ies).

Upon failure to pay any civil penalty(ies) which subsequently has (have) been determined in accordance with the applicable provisions of 10 CFR 2.205 to be due, this matter may be referred to the Attorney General, and the penalty(ies), unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The responses noted above, i.e., Reply to Notice of Violation, Statement as to payment of civil penalty(ies), and Answer to a Notice of Violation, should be addressed to: (name of Director, OE), Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region __. [If applicable, add "and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice."]

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS) [NOTE: If this NOV states that the region has determined that a 10 CFR 2.201 response is not required, substitute the following phrase to begin the first sentence of this paragraph: "If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS)], to the extent possible, it should not include any personal privacy, proprietary, [For NOV's to be issued to Gaseous Diffusion Plants or any other facility likely to hold classified material, insert: "classified" or "safeguards information" so that it can be made available to the public without redaction.] ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If personal privacy or proprietary information is necessary to provide an acceptable response,

then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this _____ day of (Month) 20(XX)